

ARKANSAS SUPREME COURT

No. CACR 07-708 & CACR 07-1090

JERRY LEE MARSHALL
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered December 19, 2008

PRO SE MOTION FOR TRANSCRIPTS
AT PUBLIC EXPENSE [CIRCUIT
COURT OF CLEVELAND COUNTY,
CR 2006-44]

MOTION DENIED.

PER CURIAM

In 2007, petitioner Jerry Lee Marshall was convicted by juries in severed trials of maintaining a drug premises, delivering crack cocaine and two counts of being a felon in possession of a fire arm. He was sentenced to an aggregate term of 120 years' imprisonment and fined \$20,000. The Arkansas Court of Appeals affirmed. *Marshall v. State*, CACR07-1090 (Ark. App. Mar. 19, 2008); *Marshall v. State*, CACR 07-708 (Ark. App. Apr. 23, 2008).

Petitioner, who contends that he is indigent, now seeks at public expense a photocopy of the trial transcript lodged in the direct appeals.¹ Petitioner requests the transcripts in order to know what occurred at his trials, to “go forward” with his case and to identify “grounds.”

The motion is denied. A petitioner is not entitled to a free copy of material on file with this court unless he or she demonstrates some compelling need for certain documentary evidence to

¹For clerical purposes, the motion has been filed under the docket numbers assigned to the direct appeals of the judgments that were lodged in the Arkansas Court of Appeals. This court decides all motions for photocopying at public expense because such motions are considered to be requests for postconviction relief. *See Williams v. State*, 273 Ark. 315, 619 S.W.2d 628 (1981) (per curiam).

support an allegation contained in a timely petition for postconviction relief. *See Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam). Indigency alone does not entitle a petitioner to free photocopying. *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam). Petitioner here has cited no specific reason for requiring the requested material and has failed to demonstrate that there is a postconviction remedy available to him.

It should be noted that when an appeal has been lodged in this court, the appeal transcript remains permanently on file with the clerk. Persons may review a transcript in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of a transcript may write this court, remit the photocopying fee, and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam).

Motion denied.